

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA,) CASE NO: 4:17-CR-00105-ALM-KPJ-1
)
Plaintiff,) CRIMINAL
)
vs.) Plano, Texas
)
DEREK MYLAN ALLDRED,) Friday, June 16, 2017
)
Defendant.) (10:46 a.m. to 10:53 a.m.)

INITIAL APPEARANCE

BEFORE THE HONORABLE KIMBERLY C. PRIEST JOHNSON,
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For Plaintiff: STEVAN BUYS, ESQ.
U.S. Attorney's Office - Plano
101 East Park Blvd
Suite 500
Plano, TX 75074

For Public Defender: FRANK HENDERSON, ESQ.
Federal Public Defender's Office
600 E. Taylor, Suite 4000
Sherman, TX 75090

Court Reporter: Recorded; Digital

Courtroom Deputy: Toya McEwen

U.S. Probation: Tiffany Routh

Transcriber: Exceptional Reporting Services, Inc.
P.O. Box 18668
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Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

Plano, Texas; Friday, June 16, 2017; 10:46 a.m.

(Call to Order)

THE COURT: Please be seated. All right. The Court calls Case Number 4-17-CR-105, *United States versus Derek Alldred*.

MR. BUYS: Good morning, Your Honor. Steve Buys on behalf of the United States.

THE COURT: Good morning.

MR. HENDERSON: Your Honor, I'm Frank Henderson here, in case I'm appointed. So, I'm here, Judge.

THE COURT: Good morning. All right. Mr. Alldred, please raise your right hand to be sworn.

(Defendant sworn)

THE COURT: All right, sir. We're here today for your initial appearance. You have been charged with violation of Federal Criminal Laws in an indictment. Before we get to that, I'm going to address the issue of counsel.

You have the right to be represented by an attorney throughout these proceedings. You have the right to hire your own counsel, and if you can't afford to do that, the court will appoint someone to represent you. I've received a financial affidavit from you. Do you want the court to appoint counsel for you?

THE DEFENDANT: Yes, Your Honor.

THE COURT: All right. I see here that you have a

1 sight disability. Can you see from here? I need to confirm
2 your signature on a document, but I'm happy to --

3 **THE DEFENDANT:** I can't see it from here.

4 **THE COURT:** You cannot.

5 **THE DEFENDANT:** Not from here.

6 **THE COURT:** Okay. I'm going to pass this document
7 down from you. I just need you to confirm your signature on
8 that affidavit.

9 **THE DEFENDANT:** That's it.

10 **THE COURT:** All right. And did you provide the
11 information contained in the document?

12 **THE DEFENDANT:** Yes, ma'am.

13 **THE COURT:** All right. Do you understand that you
14 signed this form under oath, so if the document contains false
15 information you could later be prosecuted for perjury or false
16 statement?

17 **THE DEFENDANT:** Yes, Your Honor.

18 **THE COURT:** All right. Based on the information
19 contained in the financial affidavit, I find that you do
20 qualify for the appointment of counsel and we'll appoint the
21 Federal Public Defender's Office to represent you.

22 You have to -- you have Mr. Frank Henderson here with
23 you today.

24 All right. To the indictment. Have you received a
25 copy of the indictment?

1 **THE DEFENDANT:** Yes, Your Honor.

2 **THE COURT:** All right. You have the right to have
3 the indictment read aloud into the record or you may waive that
4 right. What would you like to do?

5 **THE DEFENDANT:** I'll waive it, Your Honor.

6 **THE COURT:** All right. Mr. Buys, would you please
7 advise Mr. Alldred of the charges and the penalties alleged
8 against him?

9 **MR. BUYS:** Yes, Your Honor. The defendant is charged
10 in a five-count indictment. The first count alleges a
11 violation of 18 United States Code Section 922(g)1, felon in
12 possession of a firearm. Count Two alleges a violation of 18
13 United States Code Section 1029, access device fraud. Count
14 Three alleges, actually Counts Three, Four and Five all allege
15 violations of 18 United States Code Section 1028A, aggravated
16 identity theft.

17 And I'm sorry, did Your Honor ask me to cover the
18 penalty range?

19 **THE COURT:** Please.

20 **MR. BUYS:** Okay. If convicted of Count One, felon in
21 possession of a firearm, the penalty is imprisonment of not
22 more than 10 years, a fine not to exceed \$250,000, a term of
23 supervised release of not more than three years. However, if
24 it's shown that the defendant has three previous convictions by
25 any court for a violent felony or a serious drug offense, or

1 both, committed on occasions different from one another, then
2 the penalty is increased to imprisonment of 15 years to life, a
3 fine not to exceed \$250,000, and a term of supervised release
4 of at least three years, but not more than five years.

5 For Count Two, the penalty is imprisonment for a term
6 of not more than 10 years, a fine not to exceed \$250,000,
7 supervised release of not more than three years.

8 For Counts Three, Four, and Five, the penalty is
9 imprisonment for a term of 24 months, which must run
10 consecutive with any other term of imprisonment imposed, and
11 there's also a special assessment of \$100 per count, as well as
12 possible forfeiture of the proceeds and other instrumentalities
13 involved in the alleged offenses.

14 **THE COURT:** All right. And there is a notice of
15 intention to seek criminal forfeiture in the indictment.

16 Mr. Alldred, do you understand the nature of the
17 charges alleged against you?

18 **THE DEFENDANT:** I do, Your Honor.

19 **THE COURT:** All right. Mr. Henderson, is it your
20 intent for the court to go ahead and go forward with the
21 arraignment?

22 **MR. HENDERSON:** Yes, Your Honor. We've gone over
23 that. We're ready.

24 **THE COURT:** Okay. All right. Mr. Alldred, I need
25 you to state your full name and age for the record, please.

1 **THE DEFENDANT:** Derek Mylan Alldred, and I'm 46 years
2 old.

3 **THE COURT:** And what is the last grade of school
4 you've completed?

5 **THE DEFENDANT:** Fifteen; 15 -- beyond high school,
6 three years of college.

7 **THE COURT:** Okay. Have you ever been diagnosed with
8 any mental illness or problem?

9 **THE DEFENDANT:** No.

10 **THE COURT:** And are you currently under the influence
11 of any drug or alcohol?

12 **THE DEFENDANT:** No, ma'am.

13 **THE COURT:** All right. Mr. Henderson, do you believe
14 your client is competent to proceed here today?

15 **MR. HENDERSON:** Yes, Your Honor.

16 **THE COURT:** All right. Mr. Alldred, then I will ask
17 you with respect to Counts One through Five, how do you now
18 plead, guilty or not guilty?

19 **THE DEFENDANT:** Not guilty.

20 **THE COURT:** All right. I'll accept your plea of not
21 guilty to Counts One through Five. Your pretrial conference is
22 scheduled for Friday, August 4, 2017, at 10:00 a.m. before
23 Judge Amos Mazzant, and that would be in the United States
24 Courthouse in Sherman, Texas.

25 At that date, you'll be given a date for jury

1 selection and trial and I will also enter an order governing
2 dates up to that pretrial conference. All right.

3 Now the Government has moved to detain you pending
4 your trial in this case. You do have a right to a detention
5 hearing, the purpose being for the Court to determine whether
6 you would be detained pending a trial in this case. I've
7 received a waiver of detention hearing that is signed by you,
8 and I am going to need you to confirm your signature on the
9 waiver. Ms. McEwen.

10 (Pause)

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: All right. Thank you, sir. Did you
13 review this document with your counsel before you signed it?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: All right. And do you understand that by
16 waiving your right to a detention hearing, the Court will
17 detain you pending your trial in this case?

18 THE DEFENDANT: (No audible response)

19 THE COURT: All right. I find -- can you just answer
20 that audibly?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: All right. I find the waiver has been
23 knowingly and voluntarily given and based on your waiver, you
24 will be detained pending your trial in this case. Anything
25 further from the Government?

1 **MR. BUYS:** No, Your Honor.

2 **THE COURT:** Mr. Henderson?

3 **MR. HENDERSON:** No, Your Honor. Thank you, Your
4 Honor.

5 **THE COURT:** All right. We'll stand adjourned in this
6 case.

7 Sir, you may be seated.

8 **(Proceeding was adjourned at 10:53 a.m.)**

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CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

A handwritten signature in black ink, appearing to read "Toni Hudson", is positioned above a horizontal line.

June 15, 2018

TONI HUDSON, TRANSCRIBER